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Docket No.: 22)P128US01

Remarks

As a preliminary matter, Applicants presume the Amendment filed June 29, 2005 has not been entered and therefore are amending the claims as filed on January 27, 2004. This Amendment is in reply to the Office Action dated April 4, 2005 and the Office Communication dated September 2, 2005.

Claims 1-24 are pending in the application. The Examiner has rejected claims 1-19 and has withdrawn claims 20-24 from consideration in the Office Action.

In addition, the Office Communication states that claim 8 is indefinite as it is unclear what is being claimed, the safety device or the combination of the safety device and the concrete column form. Applicants have amended claim 8 to recite a safety assembly including the concrete column form and a connecting member and a securing member anchoring an elongate member to the concrete column form to provide an anchorage point. Because claims 1 and 16 also recite safety assemblies, Applicants respectfully submit that a restriction should not be required.

As background, workers commonly climb up and down concrete forms during the construction of walls or columns and perform tasks proximate the top of the concrete forms and in doing so there is a risk of injury should a fall occur. The concrete forms do not include suitable anchorage points to which lifelines can be attached. Therefore, workers typically attach a lifeline to a rebar proximate the top of the concrete form, but should the workers fall either before or after the lifeline is attached to the rebar proximate the top of the concrete form, injury could result. None of the references cited by the Examiner teach or suggest anchoring a lifeline to a concrete form as claimed. Arguably, the cited references may each include a component of the claimed invention, but none of the cited references identifies the problem of anchoring a lifeline to a concrete form to protect workers as the workers climb up and down the concrete forms and perform tasks proximate the top of the concrete forms.

Claims 1-3, 8, and 11-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Wingerd. Baker discloses a fire escape ladder with hooks for

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hooking the ladder onto a window sill, and Wingerd discloses a ladder holding device for retaining a ladder in position on a telephone pole.

With regard to claim 1, an elongate member is anchored to an upright concrete form structure with a connecting member and a securing member, and a lifeline is operatively connected to the elongate member thereby anchoring the lifeline to the upright concrete form structure. The lifeline anchored to the upright concrete form structure provides fall protection proximate the upright concrete form structure and the elongate member. The elongate member is an anchorage device for anchoring the lifeline to the upright concrete form structure. Neither Baker nor Wingerd teach or even suggest anchoring a lifeline to an upright concrete form structure with an elongate member, and neither teaches the problem of anchoring a lifeline to an upright concrete form structure solved by the present invention. Further, combining Baker and Wingerd results in a ladder with hooks proximate the top and a holding device proximate the bottom, which is not the claimed invention. Therefore, claim 1 is not obvious in view of these references.

With regard to claims 2 and 3, because these claims depend upon claim 1, these claims are not obvious in view of these references.

With regard to claim 8, an elongate member is anchored to a concrete column form with a connecting member and a securing member, and a lifeline is operatively connected to the elongate member thereby anchoring the lifeline to the concrete column form. The lifeline provides fall protection for a user climbing the climbing surface of the concrete column form and performing tasks proximate the concrete column form and the elongate member. The elongate member is an anchorage device for anchoring the lifeline to the concrete column form so that as the user is climbing the climbing surface of the concrete column form the user is protected should a fall occur. Neither Baker nor Wingerd teach or even suggest anchoring a lifeline to a concrete column form with an elongate member to provide fall protection to a user climbing the concrete column form. Further, combining Baker and Wingerd results in a ladder with hooks proximate the top and a holding device proximate the bottom, which is not the claimed invention. Therefore, claim 8 is not obvious in view of these references.

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With regard to claims 11-13, because these claims depend upon claim 8, these claims are not obvious in view of these references.

Claims 4, 14, 16, and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baker and Wingerd as applied to claim 1 and further in view of Skyba. Skyba discloses a combination ladder and tree stand with a ratcheting strap for securing the ladder to a tree.

With regard to claims 4 and 14, because these claims depend upon claims 1 and 8, respectively, these claims are not obvious in view of these references.

With regard to claim 16, a post is anchored to an upright concrete form structure with a hook engaging a top of the upright concrete form structure and a strap extending around a portion of an anchor member of the upright concrete form structure. A lifeline is operatively connected to the post thereby anchoring the lifeline to the upright concrete form structure. The lifeline provides fall protection proximate the upright concrete form structure and the post when the post is anchored to the upright concrete form structure with the hook and the strap. The post is an anchorage device for anchoring the lifeline to the upright concrete form structure. Baker, Wingerd, and Skyba neither teach nor even suggest anchoring a lifeline to an upright concrete form structure with a post. Further, combining Baker, Wingerd, and Skyba results in a ladder with hooks proximate the top and a ratcheting strap proximate the bottom, which is not the claimed invention. Baker, Wingerd, and Skyba disclose ladders, and claim 16 recites a post anchoring a lifeline to an upright concrete form structure. Therefore, claim 16 is not obvious in view of these references.

With regard to claim 19, because this claim is dependent upon claim 16, this claim is not obvious in view of these references.

Claims 5, 15, and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Baker and Wingerd as applied to claim 1 further in view of Parker. Because the independent claims upon which claims 5, 15, and 18 depend are not obvious in view of Baker and Wingerd, these claims are not obvious in view of Baker, Wingerd, and Parker.

Claims 1-3, 6-13, 16, and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Swankie in view of Norton and either Tomioka et al. or Keigher. Swankie

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discloses an amusement dunk tank step assembly. Norton discloses a single stile ladder with a belt cincher arrangement. Tomioka et al. discloses an escape ladder device including a controlled descent device, which safely lowers a person escaping from a window. Keigher discloses a ladder with lifelines for use when the firefighter climbs onto the roof.

With regard to claim 1, an elongate member is anchored to an upright concrete form structure with a connecting member and a securing member, and a lifeline is operatively connected to the elongate member thereby anchoring the lifeline to the upright concrete form structure. The lifeline anchored to the upright concrete form structure provides fall protection proximate the upright concrete form structure and the elongate member. The elongate member is an anchorage device for anchoring the lifeline to the upright concrete form structure. It is neither taught nor suggested by Swankie, Norton, Tomioka et al. or Keigher to anchor a lifeline to an upright concrete form structure with an elongate member, and none of these cited references teach the problem of anchoring a lifeline to an upright concrete form structure as solved by the present invention. Further, combining Swankie, Norton, and Tomioka et al. would result in a ladder from which a person could safely descend using a controlled descent device. Combining Swankie, Norton, and Keigher would result in a ladder a person could climb onto a roof and a lifeline for use when the person is on the roof. Therefore, combining these references does not result in the claimed invention. Therefore, claim 1 is not obvious in view of these references.

With regard to claim 8, an elongate member is anchored to a concrete column form with a connecting member and a securing member, and a lifeline is operatively connected to the elongate member thereby anchoring the lifeline to the concrete column form. The lifeline provides fall protection for a user climbing the climbing surface of the concrete column form and performing tasks proximate the concrete column form and the elongate member. The elongate member is an anchorage device for anchoring the lifeline to the concrete column form so that as the user is climbing the climbing surface of the concrete column form the user is protected should a fall occur. It is neither taught nor suggested by Swankie, Norton, Tomioka et al. or Keigher to anchor a lifeline to a concrete column form with an elongate member to provide fall protection to a user climbing the concrete column form, and none of these cited references teach

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the problem of anchoring a lifeline to a concrete column form as solved by the present invention. Further, combining Swankie, Norton, and Tomioka et al. would result in a ladder from which a person could safely descend using a controlled descent device. Combining Swankie, Norton, and Keigher would result in a ladder a person could climb onto a roof and a lifeline for use when the person is on the roof. Therefore, combining these references does not result in the claimed invention. Therefore, claim 8 is not obvious in view of these references.

With regard to claim 16, a post is anchored to an upright concrete form structure with a hook engaging a top of the upright concrete form structure and a strap extending around a portion of an anchor member of the upright concrete form structure. A lifeline is operatively connected to the post thereby anchoring the lifeline to the upright concrete form structure. The lifeline provides fall protection proximate the upright concrete form structure and the post when the post is anchored to the upright concrete form structure with the hook and the strap. The post is an anchorage device for anchoring the lifeline to the upright concrete form structure. Swankie, Norton, and Tomioka et al. or Keigher neither teach nor even suggest anchoring a lifeline to an upright concrete form structure with a post. Further, combining Swankie, Norton, and Tomioka et al. would result in a ladder from which a person could safely descend using a controlled descent device. Combining Swankie, Norton, and Keigher would result in a ladder a person could climb onto a roof and a lifeline for use when the person is on the roof. Therefore, combining these references does not result in the claimed invention. Therefore, claim 16 is not obvious in view of these references.

Claims 4, 14, 16, and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Swankie, Norton, and either Tomioka or Keigher as applied to claim 1 and further in view of Skyba. Because the independent claims upon which claims 4, 14, and 19 depend are not obvious in view of Swankie, Norton, and either Tomioka or Keigher, these claims are not obvious in view of Swankie, Norton, either Tomioka or Keigher, and Skyba.

With regard to claim 16, combining the ratcheting strap of Skyba with the cited references does not render the claimed invention obvious because, as discussed above, claim 16 is not obvious in view of these references.

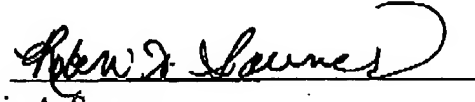
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Claims 5, 15, and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Swankie, Norton, and either Tomioka or Keigher as applied to claim 1 further in view of Parker. Because the independent claims upon which claims 5, 15, and 18 depend are not obvious in view of Swankie, Norton, and either Tomioka or Keigher, these claims are not obvious in view of Swankie, Norton, Tomioka or Keigher, and Parker.

None of these references teach or suggest anchoring a lifeline to an upright concrete form structure or a concrete column form as claimed. Therefore, favorable consideration of this Amendment is respectfully requested. Should the Examiner like to discuss this Amendment, the Examiner is welcome to contact the under-signed representative for the Applicant.

Respectfully submitted,

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